

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

MICHAEL VAUGHN and)	
TIMOTHY KENDRICK,)	
)	
Plaintiffs,)	
)	
v.)	No. _____
)	
RUSSELL E. TAYLOR,)	
)	
Defendant.)	
_____)	
)	
RUSSELL E. TAYLOR)	
)	
Counterclaim Plaintiff,)	
)	
v.)	
)	
MICHAEL VAUGHN and)	
TIMOTHY KENDRICK,)	
)	
Counterclaim Defendants.)	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, defendant and counterclaim plaintiff Russell E. Taylor (“Taylor”) removes this case from the Circuit Court of Sullivan County, Tennessee (the “State Court”), the action styled *Michael Vaughn and Timothy Kendrick, Plaintiffs, v. Russell E. Taylor, Defendant, and Russell E. Taylor, Counterclaim Plaintiff, v. Michael Vaughn and Timothy Kendrick, Counterclaim Defendants, No. C43098(C)* (the “Action”), to this the United States District Court for the Eastern District of Tennessee at Greeneville, upon the following grounds:

1. The Action was filed in the State Court on June 1, 2020.

2. The original defendants in the Action were Taylor and four other parties—Michael Schrock, III (“Schrock”), Greg C. Marcum (“Marcum”), Tony L. Huff (“Huff”), and Holston Hemp LLC (“Holston Hemp”).

3. At the time of filing, the Action was not removable because there was not complete diversity of citizenship between the plaintiffs and the defendants. Specifically, plaintiffs Michael Vaughn (“Vaughn”) and Timothy Kendrick (“Kendrick”) were citizens of Tennessee, as were defendants Schrock, Huff, and Holston Hemp.

4. On February 22, 2021, plaintiffs Vaughn and Kendrick filed a Notice of Voluntary Dismissal as to defendants Schrock, Marcum, Huff, and Holston Hemp and a Motion to Amend their Complaint. On March 2, 2021, the State Court entered an order dismissing defendants Schrock, Marcum, Huff, and Holston Hemp from the Action and granting the plaintiffs’ request to amend their complaint. The State Court ordered the Amended Complaint to be filed no later than March 12, 2021.

5. On March 18, 2021, plaintiffs Vaughn and Kendrick filed an Amended Complaint against Taylor alone without any of the referenced exhibits. The plaintiffs thereafter served a copy of the Amended Complaint with the attached exhibits.

6. Taylor has not yet filed responsive pleadings to the Amended Complaint.

7. Pursuant to 28 U.S.C. § 1446(b)(3), this notice of removal is being filed within 30 days after receipt by Taylor, through service or otherwise, of a copy of an amended pleading, motion, or order from which it could be first ascertained that the Action was one that was or had become removable.

8. Vaughn was a citizen of Tennessee at the time the Action was filed, and he remains a citizen of Tennessee.

9. Kendrick was a citizen of Tennessee at the time the Action was filed, and he remains a citizen of Tennessee.

10. Taylor was a citizen of Virginia at the time the Action was filed, and he remains a citizen of Virginia.

11. Pursuant to 28 U.S.C. § 1332, there is complete diversity between all plaintiffs and defendants.

12. The amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

13. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1332, 1441, and 1446.

14. The Circuit Court for Sullivan County, Tennessee is located within the Eastern District of Tennessee. 28 U.S.C. § 213(a). Venue is thus proper because this is the “district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a).

15. Pursuant to 28 U.S.C. § 1446(a), a complete copy of the State Court file is attached as Exhibit 1.

16. Notice of this removal is being this day served on the plaintiffs and delivered to the Clerk of the State Court in accordance with the provisions of 28 U.S.C. § 1446(d).

WHEREFORE, defendant and counterclaim plaintiff Russell E. Taylor hereby removes this Action from the Circuit Court of Sullivan County, Tennessee, to the United States District Court for the Eastern District of Tennessee.

Respectfully submitted,

RUSSELL E. TAYLOR

By Counsel

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By /s/ Karissa H. Range
Karissa H. Range

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the Notice of Removal has been mailed and
emailed to

Brent R. Watson, Esq.
Bunstine, Watson & Becker
800 S. Gay Street, Suite 2001
Knoxville, Tennessee 37929
bwatson@bwblawyer.com
Counsel for Plaintiffs and Counterclaim Defendants

and delivered to

Bobby L. Russell
Circuit Court Clerk for Sullivan County
225 West Center Street
Kingsport, TN 37660

this 23rd day of March, 2021.

/s/ Karissa H. Range
Karissa H. Range